

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANTHONY TERRELL BROOKS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:08cv597-TMH
)	
HENRY D. (BUTCH) BINFORD,)	
CIRCUIT JUDGE OF)	
HOUSTON COUNTY,)	
)	
Defendant.)	

ORDER

On August 7, 2008, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 5). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The § 1983 claims presented against Defendant Binford are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(I) and (iii);
2. To the extent plaintiff's complaint presents a challenge to the constitutionality of his current confinement, such claim is DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii);

3. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii).

Done this the 10th day of September, 2008.

/s/ Truman H. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE